IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 4009 of 2006(B)

PETITIONER:

P.M.ARJUNDAS,
QR.NO.4, G.M.V.H.S.S. NILAMBUR,
NILAMBUR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS:

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1. SECRETARY,
GEENRAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT (ANNEX),
THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-14.

3. DIRECTOR OF PHYSICAL EDUCATION,
UNIVERSITY OF KERALA.

4. RAVEENDRAN, SPORTS ORGANISOR IN SCHOOL,
Y SECTION, DIRECTORATE OF INSTRUCTION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. T.T. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 4009/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE CERTIFICATE DATED 14.6.1978 ISSUED TO THE PETITIONER FOR FACULTY OF ARTS FROM THE UNIVERSITY OF CALICUT.

EXT. P2 : TRUE COPY OF THE -DO- ISSUED TO -DO- FOR BACHELOR OF PHUSICAL EDUCATION FROM THE UNIVERSITYOF MYSORE.

EXT. P3 : TRUE COPY OF THE PROFORMA ATTESTED BY THE DISTRICT EDUCATIONAL OFFICER, MALAPPURAM.

EXT. P4 : TRUE COPY OF CERTIFICATE ISSUED BY THE DISTRICT EDUCATION OFFICER, WANDOOR TO THE PETITIONER DATED 28.12.2005.

EXT. P5 : TRUE COPYOF THE CERTIFICATE IN SPORT ISSUED TO THE PETITIONER FROM NETAJI SUBHAS NATIONAL INSTITUTE OF SPORTS.

EXT. P6 : TRUE COPY OF -DO- ISSUED TO -DO- BY AMATEUR KABADI FEDERATION.

EXT. P7 : TRUE COPY OF -DO- ISSUED TO -DO- FOR PASSING THE OFFICIAL TEST ISSUED BY -DO-

EXT. P8 : TRUE COPYOF -DO- ISSUED TO -DO- ISSUED BY THE KERALA FOOT BALL ASSOCIATION DTD. 21.9.1983.

EXT. P9 : TRUE COPY OF CALL LETTER DATED 21.12.2005 ISSUED TO PETITIONER BY THE 2ND RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.4009 OF 2006

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Dated this the 7th day of December, 2006.

JUDGMENT

Case of the petitioner in brief is as follows:

By Circular dated 5.8.2005 the second respondent invited applications for filling up of the vacancy of Organisor for Sports in Schools under the second respondent. The qualifications mentioned are as follows:

> "Essential- (1) Bachelor in Physical Education (BPED) from a recognised University.
>
> (2) A minimum of 10 years' experience as a Physical Education Teacher preferably in a High School (Govt.or Aided).
>
> Desirable-(1) Experience in organizing sports/games activities in the District/State, National levels.
>
> (2) Certificate of Training in the National Institute of Sports, Patiala/Balgalore.
>
> Those teachers who possess the essential and desirable qualification need apply for the above in the form. The candidate should furnish attested copies of their educational qualification and proof for experience."

According to the petitioner, petitioner had all the qualifications both

essential and desirable. Ext.P1 is the degree certificate in Economics. Ext.P2 is the degree certificate in Physical Education from the University of Mysore. Ext.P3 is produced to establish that petitioner has got 25 years teaching experience. Petitioner submits that he has desirable qualifications also. He relies on Exts. P4 to P8. Petitioner also applied. He was called for interview pursuant to Ext.P9. Eleven persons applied. According to the petitioner, ten were not having both the essential and desirable qualifications. But they were called for interview. Fourth respondent was selected. It is stated that the fourth respondent does not have experience in organising sports games activity in the District/State National levels and does not have certificate of training in the National Institute of Sports, Patiala. Petitioner seeks a declaration that the selection is bad.

2. Counter affidavit is filed inter alia stating as follows:

It is stated that 21 Physical Education Teachers applied for the post and out of which ten persons possessed the required qualification and experience. A Selection Committee was constituted, consisting of Secretary to Government, Director of Public Instruction and Director of

Physical Education, Kerala University. They adopted a selection criteria, which included awarding of 25 marks for academic qualification and 25 marks for experience and interview. Ten persons attended the interview. Petitioner was ranked fifth in the list. It is further stated that based on the ranking the fourth respondent was posted as Organiser as per Government Order dated 23.1.2006 for a period of one year or till a PSC hand joins duty, whichever is earlier. It is stated that he joined duty on 30.1.2006. It is stated that the fourth respondent had B.Ed. And M.PED. He had 27 years teaching experience. It is stated that the Interview Board verified all the educational qualifications and experience of each and every candidate. Petitioner secured 25 marks, while the fourth respondent secured 40 marks. It is stated that the averments of the petitioner that none of the candidates except he has both essential and desirable qualifications called for interview are not correct. It is also stated that the Interview Board had taken into consideration all the qualifications and experience of each and every candidate at the time of interview. It is also stated that the selection of the fourth respondent was on the basis of his

qualifications, experience and performance in the interview.

3. Learned counsel for the petitioner no doubt pointed out that the specific case of the petitioner that none of the candidates except the petitioner had both the essential and desirable qualifications is not specifically denied. Government Pleader points out that apart from all other aspects, the appointment is on deputation for a period of one year or till a PSC hand joins duty, whichever is earlier. That period will run out on 30.1.2007. It is further noted that the petitioner is only ranked 5 in the list. Only the fourth respondent, who secured the first rank, is made party and the persons who secured the second, third and fourth ranks are not before this court. Therefore having regard to all aspects, I feel that the petitioner has not made out a case for grant of relief.

The writ petition is dismissed.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.